

Handy

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Birnstiel *et al.*

Appl. No. 08/380,200

Filed: January 30, 1995

For: **New Protein-Polycation
Conjugates**



Art Unit: 1644

Examiner: Nolan, P.

Atty. Docket: 0652.1080001/RWE/KKV

Reply To Requirement For Election Of Species

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In reply to the Communication from the Examiner dated **February 10, 2000**, Applicants hereby provisionally elect species (D) from Group I, i.e., monoclonal antibody to CD3; species (C) from Group II, i.e., polylysine; and species (A) from Group III, i.e., virus inhibiting ribozyme. Claims 1, 2, 6, 8-10, 13, 14, 17-20, 28, 29, 36 and 38-40 read on such species. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

Applicants assert the right to claim additional species in the event that a generic claim thereto is found to be allowable in accordance with 37 C.F.R. § 1.141(a). This election is made **without traverse**. Consideration and allowance of all pending claims, are respectfully requested.

It is noted that Prosecution has been reopened. However, there is no indication if the Examiner received Supervisory approval to reopen Prosecution as required by MPEP §§ 706.07(e) and 1208.02. Acknowledgment by the Examiner's supervisor that Prosecution has been reopened is respectfully requested.

It is believed that extensions of time are not required, beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions

of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036. A duplicate copy is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Kristin K. Vidovich

Kristin K. Vidovich
Attorney for Applicants
Registration No. 41,448

Date: March 9, 2000
1100 New York Avenue, N.W.
Suite 600
Washington, D.C. 20005-3934
(202) 371-2600

P:\USERS\kvidovic\0652\1080001\election.wpd